

..... For Immediate Release .....

**October 3, 2019**

**Mike Korchak condemns Battisti comments regarding the death of NYPD officer.**

Here we go again...

Once again Paul Battisti is misleading the public with false statements and attempting to use a tragic headline to sway voters.

Before we get into details, our thoughts and prayers are with the family of the victim, the members of the NYPD, and all of those involved. It's a tragic situation.

Since the beginning of the campaign Mr. Battisti has been using headlines and stories out of context in attempt to sway voters. Up until now, he's specifically chosen cases that I was either legally or ethically prohibited from discussing.

Here's what happened in NYC. NYPD attempted to apprehend a subject who fled questioning which resulted in an altercation. The NYPD officer that was killed was struck by friendly fire as the subject and police wrestled on the ground. The subject's pistol which was recovered at the scene had not been fired.

The subject in question had a criminal record. On August 15, 2019 the subject appeared in Binghamton City Court for the non-criminal offense of harassment related to a domestic argument. No weapon was recovered by the Binghamton police and the defendant was released by a City Court judge.

While this incident is tragic, it's very similar to many others that occur across the nation each year. Subjects are involved in criminal activity; they appear in court and are released until their trials. Some have regret and remorse while they await the disposition of their case, some are repeat offenders.

Does releasing subject's with non-criminal offenses indicate the District Attorney is soft on crime? Does this suggest that there are errors being made? Should we infer that these tragic incidents are the direct result of the actions of a District Attorney, the leadership in the DA's office or the prosecutors who fight for victims and their families? The answer is a resounding NO.

The law defines what prosecutors can and cannot do. The law defines when a subject can be held in custody and when they must be released. There is no way for a prosecutor to hold a subject (no matter how much we may want to...) just because they might do something in the future. Judges ultimately make these decisions, and their options are also limited.

Mr. Battisti, as a career defense attorney, has repeatedly requested that judges release his clients, submitting documents vouching for their good character. Let's discuss December 2018 when Mr. Battisti requested the Court release his client on a drug charge, which the judge did. Less than two months later Mr. Battisti's client was charged with felony strangulation.

Is our system perfect. Absolutely not. But it's the only system we have, and we are legally bound to follow it.

What concerns me even more is that Mr. Battisti continues to sing the same song repeatedly. Originally, I thought he was simply trying to persuade votes in an unethical way by sharing things out of context. After today's post on Facebook and a mailing to his supporters, I'm starting to question if, because of his lack of experience as a prosecutor, he simply does not understand our system and how it works. It's apparent his long history of plea bargains and not taking cases to verdict in his limited private practice has not provided him the understanding of sentencing and release requirements defined by the law. Either way, Mr. Battisti simply is not qualified to be the District Attorney.

I stand behind the record of my office, my peers and our judicial system. Furthermore, it should be made clear that Mr. Battisti's misguided attacks not only illustrate his inexperience but also his lack of integrity. Both of which are required to be an effective District Attorney.